

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF: City of Minburn Waste Water Facility Upgrade Plan	ADMINISTRATIVE CONSENT ORDER AMENDMENT 2008-WW-33-A2
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TO:	City of Minburn c/o Susan Fitch, City Clerk 315 Baker St., PO Box 213 Minburn, IA 50167-0213
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I. SUMMARY OF AMENDMENT.

This amendment to Administrative Consent Order No. 2008-WW-33 (Order) is agreed to by the City of Minburn (City) and the Iowa Department of Natural Resources (Department) to extend the completion date of all improvements and/or construction of the wastewater collection facility (WWCF). Pursuant to the first amendment, the City was to have the WWCF completed by September 1, 2012, yet ongoing delays in securing funding through the United States Department of Agriculture, and consequently, delays in commencement of construction, makes it infeasible for the City to meet this deadline.

Therefore, the parties hereby agree to revoke Amendment 1 and amend the original order's Section V, paragraph 4 to read as follows:

4. By January 1, 2014 the City shall complete all improvements and/or construction to the wastewater collection facility:

II. WAIVER OF APPEAL RIGHTS

Iowa Code section 455B.175, and 561 Iowa Administrative Code (I.A.C.) 7.4(1), as adopted by reference in 567 I.A.C. chapter 7, authorize a written notice of appeal to the Environmental Protection Commission. This amendment to the Order is entered into knowingly by and with consent of the City. By signing this amendment to the Order, all rights to appeal this amendment to the Order are waived.

III. NONCOMPLIANCE

Compliance with Section V. of the Order, as amended herein, constitutes full satisfaction of all requirements pertaining to the violations described in the Order. Failure to comply with the Order, as amended, may result in the imposition of additional

administrative penalties pursuant to an administrative order or referral to the Attorney General to obtain injunctive relief and civil penalties pursuant to Iowa Code section 455B.191.

Susan Fitch
Susan Fitch, City Clerk
City of Minburn, Iowa

Dated this 28 day of September, 2012.

Chuck Gipp
Chuck Gipp, Director
Iowa Department of Natural Resources

Dated this 23rd day of October, 2012.

City of Minburn; Field Office 5; Ted Peterson (FO 5); Dennis Ostwinkle (FO 6); Jeff Vansteenburgh (FO 2)
I.B.2.C. & D; I.C.1.